

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 10, 2010

D055223 People v. Xavierius

The order imposing condition 12(f) is vacated. The trial court is directed to either strike that condition or modify it in accordance with the views expressed in this opinion. In all other respects the judgment is affirmed.
Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D056013 In re M.B., a Juvenile

The judgment is affirmed.
Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D054503 Emidio v. Martin

The May 13, 2008 orders confirming the November 30, 2007 custody and visitation orders are affirmed. John is entitled to cost on appeal. (Cal. Rules of Court, rule 8.278.) Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D055341 People v. Cataroja

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

D056412 In re Oscar R. et al., Juveniles

The orders are affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D055257 People v. Cataroja

The judgment is reversed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D055648 San Diego County Health and Human Services Agency v. Joanne H.

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
 The Honorable Associate Justices James McIntyre and Terry O'Rourke
Clerk: D. Moore

D056653 ATM Capitol Company v. Longs Drug Stores California, Inc.

D056641 ATM Capitol Company v. Longs Drug Stores California, Inc.

Cause called on merits. Jon Robert Williams, Esq. argued for appellant.
Robert Douglas Eassa, Esq. argued for respondent. Mr. Williams replied.
Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 10, 2010 (Continued)

Court recessed at 9:44 a.m. to change panels.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices James McIntyre and Terry O'Rourke

D056652 Center for Biological Diversity et al. v. County of San Bernardino

D056648 Center for Biological Diversity et al. v. County of San Bernardino

Cause called on merits. Lisabeth Deborah Rothman, Esq. argued for real party in interest and appellant, Nursery Products, LLC. Lucas Williams, Esq. argued for respondent, Center for Biological Diversity. Richard Morse Pearl, Esq. argued for respondent, Center for Biological. Ms. Rothman replied. Cause submitted.

D055225 Tartre v. City of Poway et al.

Cause called on merits. Lee Tartre argued for appellant in pro per. Steven E. Boehmer, Esq. argued for respondent. Ms. Tartre replied. Diane Armstrong was present in oral argument and joined in Ms. Tartre's argument. Cause submitted.

D054343 People v. Vang et al.

Cause called on merits. Kevin D. Sheehy, Esq. argued for appellant, Dang Hai Ha. John Patrick Dwyer, Esq. argued for appellant, Xue Vang. Lauel M. Nelson, Esq. argued for appellant, Sunny Sitthideth. Sachi Wilson, Esq. argued for appellant, Danny Quang Le. Steven Taylor Oetting, Deputy Attorney General, argued for respondent. Mr. Sheehy replied. Mr. Dwyer replied. Ms. Nelson replied. Ms. Wilson replied. Cause submitted.

Court recessed at 11:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Judith Haller and Cynthia Aaron

Clerk: D. Moore

D054940 Bakker v. Muehl et al.

Cause called on merits. Simona R. Bakker argued for appellant in pro per. Terry Seth Kaplan, Esq. argued for respondent, Wexler and etc. Leah Anne Plaskin, Esq. argued for respondent, Gruber. Ms. Bakker replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 10, 2010 (Continued)

D055668 Munn v. Briggs et al.

Cause called on merits. Charles A. Bird, Esq. argued for appellant.
John S. Addams, Esq. argued for respondent. Mr. Bird replied. Cause submitted.

Court recessed at 2:42 a.m. to change panel members.

New panel members: The Honorable Judith Haller, Acting Presiding Justice, and
The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D055184 People v. Phillips

Cause called on merits. Amanda Benedict, Esq. argued for appellant.
Meagan J. Beale, Deputy Attorney General, argued for respondent. Ms. Benedict
replied. Cause submitted.

D054389 Johnson v. Drolson et al.

Cause called on merits. Paul Drolson argued for appellant in pro per.
Kirk Miller, Esq. argued for appellant, Wealth Advisors, Inc. Terry Singleton, Esq.
argued for respondent. Mr. Drolson replied. Mr. Miller replied. Cause submitted.

**D055078 San Diego Steel Holdings Group, Inc. v. Travelers Casualty and Surety
Company of America et al.**

Cause called on merits. Matthieu Blackstun, Esq. argued for appellant.
Jae K. Park, Esq. argued for respondent. Mr. Blackstun replied. Cause submitted.

Court recessed at 4:17 p.m. until Tuesday, May 11, 2010 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 11, 2010

- D057165 In re Davis on Habeas Corpus**
The petition is denied.
- D057211 McDonald v. The Superior Court of San Diego County/Beal Bank Nevada**
The petition is denied.
- D056983 In re Marriage of Lally and Roepke**
Pursuant to California Rules of Court, rule 8.140, the appeal filed March 10, 2010, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)) and for failure to timely file the civil case information statement (Cal. Rules of Court, rule 8.100(g).)
- D056345 People v. Dutra**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D057032 City of San Diego v. Berg**
The appellant has failed to file a Civil Case Information Statement as required by California Rules of Court, rule 8.100(g)(2) and was notified of that default by letter dated April 6, 2010. Despite being informed that her failure to file the required statement within 15 days might result in the imposition of monetary sanctions or dismissal of the appeal, the appellant's default still persists. Accordingly, the appeal is dismissed.
- D056213 In re Marriage of Sanchez**
The judgment is affirmed. Leticia is awarded her costs on appeal.
McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D056472 In re Giovanni F., a Juvenile**
The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.
- D055901 In re Christopher S., a Juvenile**
The order terminating Cathleen's parental rights is affirmed.
McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 11, 2010 (Continued)

Court convened at 9:00 a.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and
The Honorable Associate Justices Cynthia Aaron and Joan Irion
Clerk: D. Moore

D055230 S.M. v. E.P.

Cause called on merits. Honey Kessler Amado, Esq. argued telephonically for appellant. Judith E. Klein, Esq. argued for respondent. Cause submitted.

D055213 First Specialty Insurance Corporation et al. v. Colony Insurance Company

Cause called on merits. Gregg Walter Brugger, Esq. argued for appellant.
Mark L. Kincaid, Esq. argued for respondent. Cause submitted.

Court recessed at 9:31 a.m. to change panel members.

New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D054635 People v. Cowan

Cause called on merits. Helen Simkins Irza, Esq. argued for appellant.
Natasha Cortina, Deputy Attorney General, argued for respondent. Ms. Irza
replied. Cause submitted.

D054660 People v. Riley

Cause called on merits. John J. Lanahan, Esq. argued for appellant.
Lynne G. McGinnis, Deputy Attorney General, argued for respondent.
Mr. Lanahan replied. Cause submitted.

Court recessed at 10:22 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Alex McDonald and Joan Irion
Clerk: D. Moore

D054981 In re R.N., a juvenile

Cause called on merits. Ronald M. Bobo, Esq. argued for appellant.
Natasha Cortina, Deputy Attorney General, argued for respondent.
Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2010 (Continued)

D054465 Nelson v. Kuebler et al.

Cause called on merits. Frederic C. Phillips, Esq. argued for appellant. Timothy Allen Scott, Esq. argued for respondent. Mr. Phillips replied. Cause submitted.

D054522 Pennsylvania General Insurance Company v. American Safety Indemnity Company

Cause called on merits. Brandt Wolkin, Esq. argued for appellant. David Seth Blau, Esq. argued for appellant, American Safety Indemnity Company. John H. Podesta, Esq. argued for respondent, National Union Fire Insurance Company of Pittsburgh. Mr. Wolkin replied. Cause submitted.

Court recessed at 2:33 p.m. until Wednesday, May 12, 2010 at 9:00 a.m.

D057291 Salcido v. Superior Court of San Diego County et al.

The petition for a writ of mandate or prohibition has been considered by Justices Benke, Huffman and Haller. For the reasons set forth below, we deny the petition.

The petitioner is a judge of the Superior Court of the County of San Diego, assigned to that court's East County Branch, located in El Cajon. Petitioner alleges she and other judges assigned to the East County Branch, including the supervising judge of the branch, respondent the Hon. Peter Deddeh,¹ have an ongoing dispute with respect to application of the requirements of Penal Code² section 1203.097 to cases where criminal defendants have been granted probation. Petitioner asks that we issue a writ of mandate commanding Judge Deddeh and the other judges with whom she disagrees follow her interpretation of the requirements of the statute. She also asks that we restrain Judge Deddeh from retaliating against her because she continues to apply section 1203.097 in a different manner, based on her interpretation of the statutory requirements.

We first observe a writ of mandate is not available to petitioner as a means of resolving her dispute with the other judges of the East County Branch with respect to application of section 1203.097. Our common law system of justice and appellate review simply does not contemplate judicial officers acting as litigants in cases where they have ruled, let alone in cases where other judicial officers have made rulings. As our Supreme Court stated in a somewhat similar context in *Municipal Court v. Superior Court (Gonzalez)* (1993) 5 Cal.4th 1126, 1131: " 'In

¹ Judge of the Superior Court of the County of San Diego.

² All further statutory references are to the Penal Code unless otherwise specified.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2010 (Continued)

our common law judicial system we rely upon a separation of roles to bring about proper results.

The courts' role is to decide cases; the parties' role is to bring cases before the courts. If a party is aggrieved by the ruling of a lower court, he is provided with an avenue of appeal to a higher tribunal by means of an orderly prescribed procedure, and that appellate tribunal may, within]limits, alter the lower court's ruling. The system does not provide a procedure for a lower court on its own impetus to ask a higher court to address general administrative or procedural problems within the system. More germane to this case, there is no procedure authorized whereby a municipal court, disagreeing with a superior court's decision on review, may come to the next court in the hierarchy, the [C]ourt of [A]ppeal, and ask it to set the superior court straight. A municipal court may have reason to complain of the treatment of one of its decisions, or its procedures, at the hands of the reviewing court. Nevertheless, the premise under which the judiciary operates is straightforward: if no individual party finds it worth his or her while to champion the cause and seek judicial review, then review will not occur.' [Citation.]"

Suffice it to say, if a judicial officer does not have standing to participate as a litigant in efforts to vindicate his or her ruling in a particular case, a judicial officer does not have standing to act as a litigant in cases being heard by other judicial officers. This is not to say the issues raised by petitioner are beyond review. In particular, petitioner is certainly free to bring her concerns to the attention of the presiding judge of the superior court. Moreover, in any criminal proceedings brought in the East County Branch, the People are represented by the district attorney of the County of San Diego, subject to the supervision of the Attorney General of the State of California. (*People v. Dehle* (2008) 166 Cal.App.4th 1380, 1387; Gov. Code, §§ 12550, 26500; Cal. Const., art. VI, § 13.) If, in any particular case, the district attorney or the Attorney General believes section 1203.097 is not being applied in the manner intended by the Legislature, they plainly have standing to bring such a claim before us either by way of appeal or by way of a petition for extraordinary relief.

Closely related to the absence of petitioner's standing to challenge her colleagues' interpretation of the law, is the fact that her petition asks that we issue a writ of mandate which would control the manner in which judges of the East County Branch act in future cases. We have no power to issue such advisory opinions. (See *Younger v. Superior Court* (1978) 21 Cal.3d 102, 119.) "The ripeness requirement, a branch of the doctrine of justiciability, prevents courts from issuing purely advisory opinions. [Citation.] It is rooted in the fundamental concept that the proper role of the judiciary does not extend to the resolution of abstract

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2010 (Continued)

differences of legal opinion. It is in part designed to regulate the workload of courts by preventing judicial consideration of lawsuits that seek only to obtain general guidance, rather than to resolve specific legal disputes. However, the ripeness doctrine is primarily bottomed on the recognition that judicial decisionmaking is best conducted in the context of an actual set of facts so that the issues will be framed with sufficient definiteness to enable the court to make a decree finally disposing of the controversy." (*Pacific Legal Foundation v. California Coastal Com.* (1982) 33 Cal.3d 158, 170.) Thus, "The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. [Citation.] It must be a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts.'" (*Id.* at pp. 170-171.)³

In addition to her lack of standing and the absence of any actual controversy, petitioner's request to litigate her disagreement with her colleagues has an obvious and unfortunate impact on public confidence in our judicial system. (See *Municipal Court v. Superior Court (Gonzalez)*, *supra*, 5 Cal.4th at p. 1133, conc. opn. Mosk, J. ["A court suing a court makes the judicial process appear ludicrous."].)

Finally, with respect to petitioner's retaliation allegations, we note we have no direct disciplinary power over superior court judges. (See Cal. Const., art. VI, §§ 8, 18, subd. (d); see also *Commission on Judicial Performance v. Superior Court* (2007) 156 Cal.App.4th 617, 621.)

The petition is denied.

³ In addition to her lack of standing and the absence of any actual controversy, petitioner's request to litigate her disagreement with her colleagues has an obvious and unfortunate impact on public confidence in our judicial system. (See *Municipal Court v. Superior Court (Gonzalez)*, *supra*, 5 Cal.4th at p. 1133, conc. opn. Mosk, J. ["A court suing a court makes the judicial process appear ludicrous."].)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 12, 2010

D055935 In re Marriage of Mataele

Appellant has failed to file an opening brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D055907 People v. McCollom

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Irion, J.

D057293 People v. Sonnier

The notice of appeal, the "Ex-Parte Application and Motion to Request Back Time Pre-Sentence/Post-Sentence Credits...." filed in the Superior Court on April 16, 2010, and the Superior Court's "Order Denying Request for Recalculation of PC section 4019 Credits" filed on April 20, 2010, have been read and considered by Presiding Justice McConnell, Associate Justices Benke and Haller. The order denying Winifred Sonnier's request to recalculate credits is not an appealable order. The appeal filed April 26, 2010, is dismissed.

D057012 J.J. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed for petitioner J.J. The notice of intent is deemed to be abandoned. The case as to J.J. is dismissed. Response to petitioner K.B.'s petition for writ of mandate filed May 6, 2010, is due within 15 days of the date of this order.

D057092 In re De Haven on Habeas Corpus

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Patricia Benke and Cynthia Aaron
Clerk: D. Moore

D056308 In re J. B., a juvenile

Cause called on merits. Kathleen M. Mallinger, Esq. argued for appellant. Terence M. Chucas, Esq. argued for the minor. Katharine R. Bird, Deputy County Counsel, argued for respondent. Ms. Mallinger replied. Cause submitted.

D054322 People v. Auvil

Cause called on merits. Laura Schaefer, Esq. argued for appellant. Robin Helene Derman, Deputy Attorney General, argued for respondent. Ms. Schaefer replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 12, 2010 (Continued)

D055929 Citizens for Responsible Equitable Environmental Development v. City of San Diego

Cause called on merits. Suzanne R. Varco, Esq. argued for respondent, City of San Diego. Christopher W. Garrett, Esq. argued for real party in interest and respondent, University Towne Center Venture, LLC and etc. Cory Briggs, Esq. argued for appellant. Cause submitted.

Court recessed at 10:19 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
 The Honorable Associate Justices Richard Huffman and James McIntyre
Clerk: D. Moore

D054124 Safaie et al. v. Elmendorf

Cause called on merits. Thomas Joel Weiss, Esq. argued for appellant. Charles A. Bird, Esq. argued for respondent, Elmendorf. Mr. Weiss replied. Cause submitted.

Court recessed at 1:57 p.m. until Thursday, May 13, 2010 at 9:00 a.m.

D055009 Demarco v. Demarco

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 13, 2010

D055090 People v. Poole

Upon filing an abandonment of appeal and request for dismissal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.) The request for judicial notice filed April 8, 2010, is moot.

D053244 People v. Perez

The judgment is modified to reflect that the enhancement imposed pursuant to section 12022, subd. (a)(1) on the robbery count is stayed. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to deliver the amended abstract of judgment to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

D053587 Castro et al. v. San Diego Gas & Electric Company

The court is directed to vacate its order granting a new trial. The June 17, 2008 judgment is affirmed. The parties to bear their own costs on appeal. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D057133 In re Cannon on Habeas Corpus

The petition is denied.

D057147 In re Simmons on Habeas Corpus

The petition is denied.

D057257 In re Breaw on Habeas Corpus

The petition is denied.

D057252 In re Hernandez on Habeas Corpus

The petition is denied.

D057135 In re Daniels on Habeas Corpus

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and
 The Honorable Associate Justices Cynthia Aaron and Joan Irion
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 13, 2010 (Continued)

D055699 San Diego Navy Broadway Complex Coalition v. City of San Diego
Cause called on merits. Corey Briggs, Esq. argued for appellant.
Heather L. Stroud, Deputy City Attorney, argued for respondent.
Summer Jerre Wynn, Esq. argued for real party in interest and respondent,
Manchester Pacific Gateway, LLC. Mr. Briggs replied. Cause submitted.

Court recessed at 9:40 a.m. to change panel members.

New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and
 The Honorable Associate Justices Judith Haller and Joan Irion

D054657 Hazewinkel v. Hazewinkel
Cause called on merits. David Neal Shaver, Esq. argued for appellant.
Richard Heller, Esq. argued for respondent. Mr. Shaver replied. Cause submitted.

Court recessed at 10:30 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Gilbert Nares and Terry O'Rourke
Clerk: D. Moore

D054688 City of San Diego v. San Diego City Employees' Retirement System
Cause called on merits. Michael A. Leone, Esq. argued for appellant.
Walter C. Chung, Deputy City Attorney, argued for respondent. Mr. Leone replied.
Cause submitted.

Court recessed at 2:03 p.m. to change panel members.

New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and
 The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D056538 McGrath v. Superior Court/Design Line Interiors, Inc., et al.- RPI
Matter called on merits. Jon R. Williams, Esq. argued for petitioner.
William Allan Lemkul, Esq. argued for real party in interest. Mr. Williams replied.
Matter submitted.

D056566 R P Communities, LLC. et al. v. Superior Court/Bonjorno et al.-RPI
Matter called on merits. Thomas Eben Ladegaard, Esq. argued for petitioner.
Jim P. Mahacek, Esq. argued for real party in interest. Mr. Ladegaard replied.
Matter submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 13, 2010 (Continued)

Court recessed at 2:47 p.m. until Friday, May 14, 2010 at 9:00 a.m.

D054989 Sixuvus, Ltd. v. Willis
The petition for rehearing is denied.

D057027 Jones v. Bell et al.
Pursuant to California Rules of Court, rule 8.140, the appeal filed March 22, 2010, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121 (a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 14, 2010

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and Terry O'Rourke
Clerk: D. Moore

D055552 In re D.M., a juvenile
Cause called on merits. Tamara Joan Zivot, Esq. argued for appellant.
Heliodoro Moreno, Certified Law Student, argued for respondent. Ms. Zivo
replied. Cause submitted.

D055089 People v. Casey
Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant.
Heather Ferrick Crawford, Deputy Attorney General, argued for respondent.
Cause submitted.

Court recessed at 9:35 a.m. to change panel members.

New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and
The Honorable Associate Justices James McIntyre and Terry O'Rourke

D055220 Gardner Pool Plastering, Inc. v. Law
Cause called on merits. Vasko R. Mitzev, Esq. argued for appellant.
Richard W. Weinthal, Esq. argued for respondent. Mr. Mitzev replied.
Cause submitted.

D054613 People v. Cravens
Cause called on merits. Randall Bookout, Esq. argued for appellant.
Jeffrey John Koch, Deputy Attorney General, argued for respondent.
Mr. Bookout replied. Cause submitted.

Court recessed at 10:57 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and James McIntyre
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 14, 2010 (Continued)

D055722 Conservatorship of Juan M.P.

Cause called on merits. Christy Curtis Peterson, Esq. argued for appellant. William A. Johnson, Deputy County Counsel, argued for respondent. Ms. Peterson replied. Cause submitted.

D056646 612 South LLC v. Laconic Limited Partnership

Cause called on merits. John Armstrong Kelley, Esq. argued for appellant, 612 South LLC. John L. Bailey, Esq. argued for appellant, Laconic Limited Partnership. Mr. Kelley replied. Cause submitted.

Court recessed at 2:14 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Richard Huffman and James McIntyre

D055481 Nautilus General Contractors, Inc. v. Innovative Coatings of Reno

Cause called on merits. Charles Bird, Esq. argued for appellant. Brent L. Ryman, Esq. argued for respondent. Mr. Bird replied. Cause submitted.

Court adjourned at 2:42 p.m.

D056618 People v. Holman

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D057305 Kitahara v. Superior Court of San Diego County/Litton Loan Servicing

The petition is denied.